

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEJUAN THORNTON,

Plaintiff,

Case No. 14-14118

Hon. Victoria A. Roberts

v.

COMERICA BANK,

Defendant.

**ORDER GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS AND
DISMISSING CLAIM**

Pro se Plaintiff DeJuan Thornton ("Thornton") filed a Complaint against Defendant Comerica Bank ("Comerica"), and requests to proceed *in forma pauperis* ("IFP"). The Court **GRANTS** Thornton's request to proceed IFP and **DISMISSES** his claim as frivolous.

28 U.S.C. § 1915(a)(1) provides indigent parties with access to the federal court system. It says:

[a]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

To prevent potential IFP litigants from abusive or petty litigation, § 1915(e)(2)(B) allows courts to sua sponte dismiss actions that are frivolous, malicious, or which fail to state a claim upon which relief may be granted. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

An action is frivolous if "the complaint contains only conclusory allegations and

fails to allege any facts, which if proved, would afford a basis for the granting of relief.” *Papas v. Bertrum*, 600 F. Supp. 174, 175 (D. Mass. 1985) aff'd, 782 F.2d 1023 (1st Cir. 1985). Moreover, frivolity can occur when a complaint is filled with “vague and largely incomprehensible claims.” *Mayfield v. Collins*, 918 F.2d 560, 561 (5th Cir. 1990).

The Court concludes Thornton’s complaint is frivolous. Thornton says he has a bank account at Comerica but he cannot access the funds without a court order. He asks the Court to enter an order granting him access to the account, but he does not identify under what authority the Court should grant such an order, or exactly what the order is supposed to say. He does not identify which law he is using to enforce his rights. In fact, it is unclear whether the Court has jurisdiction over this matter because Thornton fails to identify any law that entitles him to relief.

Accordingly, The Court **GRANTS** Thornton *in forma pauperis* status, but **DISMISSES** his Complaint without prejudice.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 30, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 30, 2014.

S/Carol A. Pinegar
Deputy Clerk